

App. No. 09/574,909  
Amtd. dated 5/19/2004  
Reply to Office Action of 11/19/2003

### **Remarks/Arguments**

The Applicant respectfully requests reconsideration of this application as amended. Claims 1, 15, 37, 46, and 62 have been amended without prejudice to increase the clarity of such claims. Claims 10-11, 22, 28, 30-32, and 68-69 have been canceled without prejudice. Eight new claims, claims 71-78, have been added. Therefore, claims 1-5, 7-9, 13-15, 17-18, 27, 37-46, 50, 55, 62-67, and 70-78 are present for examination. Applicant respectfully submits that no new matter has been added by this amendment.

### **Claim Rejections – 35 U.S.C. § 101**

In the Office action, the Examiner rejected claims 1-11, 13-15, 17-18, 22, 27-28, 30-32, 37-46, 50, 55 and 62-70 under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter for “not being limited to using a machine to carry out the process.” While the undersigned disagrees with the Examiner’s asserted non-statutory subject matter analysis, for the sake of expediting issuance of the case, the undersigned proposes amendments to those of the above-listed claims that remain pending to clearly tie certain elements of the processing to “one or more processors” (see, e.g., claims 1, 37, 46 and 62 as amended). Consequently, such claims are now limited to using a machine to carry out various processes recited and the non-statutory subject matter rejection should be withdrawn.

### **Claim Rejections in view of ImproveNet.com**

In the Office action, the Examiner rejected all the pending claims under 35 U.S.C. § 102(a) as being anticipated by ImproveNet.com based upon articles about the ImproveNet service (i.e., Refs U, V and W) and two screen shots of the defunct web site (i.e., Ref X) hereafter collectively referred to as “ImproveNet”.

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While ImproveNet appears to be generally relevant to the concept of finding contractors via the Internet, many features of the pending claims are not contemplated, taught or reasonably suggested by ImproveNet.

With respect to independent claim 1, as amended, it expressly recites "extracting a *sufficiently descriptive and detailed description of a consumer's service needs so as to allow bids to be submitted* by one or more of the pre-screen home service providers using a *question and answer interview appropriate for the consumer's desired home service task*, wherein the question and answer interview *allows the consumer to narrow alternatives that describe the consumer's service needs while selections by the consumer lead them to a new set of alternatives and choices.*" As understood by the undersigned, ImproveNet does not teach or reasonably suggest including sufficiently detailed information about a consumer's needs so as to allow bids to be submitted by service providers. Rather, ImproveNet contemplates interactions outside of the service will be required between the consumer and the contractor before a bid can be made or before the consumer can select a particular contractor. For example, ImproveNet indicates "you are asked about your project (kitchen remodeling, room addition, etc.) ... You then talk to as many of the [contractors] as you want and check their references ... If you choose one, the contractor pays ... based on the size of your original cost estimate."

Furthermore, ImproveNet cannot fairly be interpreted to teach or suggest "using a question and answer interview appropriate for the consumer's desired home service task" as it appears *the ImproveNet consumer interface is fixed regardless of the desired home service task*. According to Ref V, "The process is fairly simple. The homeowner provides some basic information, including a text description of the project, approximate square footage of the space involved and an estimated budget" (see paragraph 3).

Finally, the feature of the question and answer interview guiding the consumer to a new set of alternatives and choices ( .g., the service category of interest) by allowing the consumer to

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narrow alternatives that describe the consumer's service needs (e.g., using information gathered from the consumer to present additional follow-up questions) is clearly not contemplated by ImproveNet. The fixed consumer interface suggested by ImproveNet is the antithesis of the interactive question and answer interview process required by claim 1.

Another deficiency of ImproveNet is with respect to the expressly recited limitation of "presenting the consumer's service needs to ... pre-screened home *service providers that exhibit a set of predetermined qualifications relating to the consumer's service needs*" (emphasis added). In the Office action, the Examiner equates the recited predetermined qualifications to the credit and legal- history report provided by ImproveNet and/or the determination regarding the existence of any unresolved legal judgements against the contractor. However, the recited qualifications have now been clarified to be qualifications "relating to the consumer's service needs", such as experience and/or special skills needed by the service provider. For at least these reasons claim 1 and its dependent claims are thought to be distinguishable over ImproveNet.

With respect to dependent claim 3, ImproveNet lacks teaching or suggestion with respect to the recited functions of "making inferences" and "prioritizing." Claim 3 requires "*making inferences regarding desirability* of a particular home service task to home service providers *based upon past service requests to which the home service providers have responded or not responded*" (emphasis added). No such functionality of making inferences is mentioned in the portion of Ref U relied upon by the Examiner. Rather, the paragraph cited by the Examiner, i.e., paragraph 11, relates to homeowners being queried regarding the contractor's performance during and after the project.

Claim 3 requires referral of home service providers to be prioritized "based upon recent service opportunities provided to or accepted by the home service providers." This has the effect of more fairly spreading the referrals across the service providers. Again, no such concept is contemplated, taught or reasonably suggested by the portion of Ref X relied upon by the

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Examiner nor the remainder of ImproveNet. Consequently, for these additional reasons, dependent claim 3 is patentable over ImproveNet.

With respect to independent claim 37, as amended, ImproveNet does not teach or suggest the required manner of developing a detailed description of the consumer's service needs or the ability to compile a list of pre-qualified home service providers by making inferences. Claim 37 expressly recites "*developing a detailed description of the consumer's service needs by receiving consumer input using question and answer interviews generated by a decision tree based upon currently available information about the consumer's service needs*" (emphasis added). Consequently, claim 37 requires the detailed description of the consumer's service needs to be developed via question and answer interviews that are generated by a decision tree that is itself based upon available information about the consumer's service needs. For an example of what is intended to be encompassed by this element of the claim, the Examiner is encouraged to review pages 44-47 of the Appendix of the above-captioned application. According to the example interface screens provided in pages 44-47 of the Appendix, the consumer first selects a particular type of home service (e.g., a decision tree) from a drop-down list, such as "Remodels & Home Additions" (see page 44). Then, further detailed information about the type of home service desired (e.g., the type of remodel or home addition) is solicited based upon the consumer's selection of the particular decision tree (see page 45-46). Once the decision tree has been traversed to an extent that a question and answer interview is available, the question and answer interview (e.g., the Q&A interview relating to remodeling a bathroom) is generated based upon the selected decision tree (page 47). As discussed with reference to claim 1, ImproveNet does not teach or suggest such an interactive approach to obtaining a description of the consumer's service needs.

Claim 37 also expressly recites "*compiling a list of pre-qualified home service providers ... by making one or more inferences based on past service requests* to which the home service

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providers have responded or not responded *and by selecting home service providers with the least number of recent service opportunities*" (emphasis added). As discussed with reference to claim 3, ImproveNet does not teach or suggest making inferences based upon past service request to which the home service providers have responded or not responded. Also, as discussed with reference to claim 3, ImproveNet makes no reference to giving any consideration to selecting home service providers on the basis of recent service opportunities. For at least these reasons, claim 37 and its dependent claims are clearly distinguishable over ImproveNet.

With respect to dependent claim 38, in addition to the "decision tree" and other distinctions presented with reference to claim 37, the consumer is guided to a service category. ImproveNet discloses no interactive mechanism to guide the consumer to a service category "by presenting additional questions and using information gathered to cross reference a knowledge management database" as required. Again, the undersigned respectfully directs the Examiner's attention to pages 44-47 of the Appendix of the above-captioned application for an example of the type of interaction that is intended to be encompassed by this element. For at least these additional reasons, dependent claim 38 is patentable over ImproveNet.

With respect to independent claim 46, similar limitations to those discussed above with reference to independent claim 1 are recited. For example, claim 46 requires "presenting the identified set of prescreened home service providers with *sufficiently descriptive and detailed data regarding a home service task associated with the service request so as to allow acceptance or rejection*". Consequently, various arguments presented above with reference to claim 1 are thought to be applicable here as well. For at least this reason, independent claim 46 and its dependent claims are thought to be allowable over ImproveNet.

With respect to independent claim 62, similar limitations to those discussed above with reference to independent claim 1 are recited. For example, claim 62 requires "extracting a description of a consumer's home service needs *using an interview appropriate for the*

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*consumer's home service task*" (emphasis added). Consequently, various arguments presented above with reference to claim 1 are thought to be applicable here as well. For at least this reason, independent claim 62 and its dependent claims are thought to be allowable over ImproveNet.

#### New Claims

By this amendment eight new claims, claims 71-78, have been added. Independent claim 71 roughly parallels independent claim 1 and adds the additional limitation of "the one or more processors *causing an automated telephone system to notify at least one of the one or more home service providers* of the consumer's service needs" (emphasis added). Consequently, various arguments presented above with reference to claim 1 are thought to be applicable here as well. Furthermore, the undersigned can find no teaching or suggestion regarding the claimed use of an automated telephone system in ImproveNet. This feature has an advantage of allowing service providers to be notified of service opportunities without being connected to the Internet. For at least these reasons, independent claim 71 and its dependent claim are thought to be allowable over ImproveNet.

With respect to dependent claim 72, it further requires "access to an interactive voice response (IVR) database" to be provided to the home service providers which allows the home service providers to check the status of or respond to consumer service requests. No such feature is disclosed or suggested by ImproveNet. This IVR feature has an advantage of allowing service providers to continue to bid for, respond to, and otherwise monitor consumer service requests without being connected to the Internet. For at least these additional reasons, dependent claim 72 is thought to be distinguishable over ImproveNet.

Independent claim 73 roughly parallels independent claim 37 and adds the additional limitation of "wherein the *service request is delivered* to at least one of the plurality of pre-

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screened home service providers *via an automated telephone system*" (emphasis added).  
Consequently, various arguments presented above with reference to claim 37 are thought to be applicable here as well. Furthermore, the undersigned can find no teaching or suggestion regarding the claimed use of an automated telephone system in ImproveNet. As mentioned above, this feature has an advantage of allowing service providers to be notified of service opportunities without being connected to the Internet. For at least these reasons, independent claim 73 and its dependent claim are thought to be allowable over ImproveNet.

With respect to dependent claim 74, it further requires "access to an interactive voice response (IVR) database" to be provided to the home service providers which allows the home service providers to check the status of or respond to consumer service requests. No such feature is disclosed or suggested by ImproveNet. As indicated above, this IVR feature has an advantage of allowing service providers to continue to bid for, respond to, and otherwise monitor consumer service requests without being connected to the Internet. For at least these additional reasons, dependent claim 74 is thought to be distinguishable over ImproveNet.

Independent claim 75 roughly parallels independent claim 62 and adds the additional limitation of "wherein the *service request is delivered* to at least one of the plurality of pre-screened home service providers *via an automated telephone system*" (emphasis added).  
Consequently, various arguments presented above with reference to claim 62 are thought to be applicable here as well. Furthermore, the undersigned can find no teaching or suggestion regarding the claimed use of an automated telephone system in ImproveNet. As mentioned above, this feature has an advantage of allowing service providers to be notified of service opportunities without being connected to the Internet. For at least these reasons, independent claim 75 and its dependent claim are thought to be allowable over ImproveNet.

With respect to dependent claim 76, it further requires "access to an interactive voice response (IVR) database" to be provided to the home service providers which allows the home

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service providers to check the status of or respond to consumer service requests. No such feature is disclosed or suggested by ImproveNet. As indicated above, this IVR feature has an advantage of allowing service providers to continue to bid for, respond to, and otherwise monitor consumer service requests without being connected to the Internet. For at least these additional reasons, dependent claim 76 is thought to be distinguishable over ImproveNet.

Independent claim 77 roughly parallels independent claim 37 but the elements are recited in step-plus-function form. Consequent, various arguments presented above with reference to claim 37 are thought to be applicable here as well. Furthermore, in accordance with 35 U.S.C. § 112 ¶ 6, the elements are limited to the acts described in the specification in support of the recited function and equivalents thereof. For at least these reasons, independent claim 77 is thought to be allowable over ImproveNet.

Independent claim 78 roughly parallels independent claim 62 but the elements are recited in step-plus-function form. Consequent, various arguments presented above with reference to claim 62 are thought to be applicable here as well. Furthermore, in accordance with 35 U.S.C. § 112 ¶ 6, the elements are limited to the acts described in the specification in support of the recited function and equivalents thereof. For at least these reasons, independent claim 78 is thought to be allowable over ImproveNet.

### Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are in condition for allowance. Accordingly, Applicant respectfully requests that the rejections be withdrawn and that a Notice of Allowance be issued for claims 1-5, 7-9, 13-15, 17-18, 27, 37-46, 50, 55, 62-67, and 70-78.



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**Invitation for a Telephone Interview**

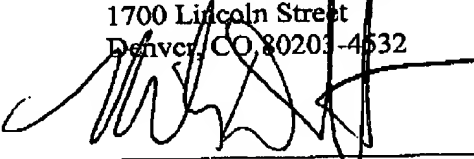
The Examiner is requested to call the undersigned at (303) 607-3633 if there remains any issue with allowance of the case.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 06-0029

Respectfully submitted,  
FAEGRE & BENSON LLP  
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Denver, CO 80203-4532

Date: May 19, 2004

  
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